

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

**In re**

**YELLOW CORPORATION, *et al*<sup>1</sup>.**

**Chapter 11  
Case No. 23-11069 (CTG)  
(Jointly Administered)**

**Debtors.**

**Adversary Proceeding No. 23-50457  
(CTG)**

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**JEFF MOORE, ELIZABETH BROOKE MOORE  
and VIDAL TORRES on behalf of themselves and  
all others similarly situated,**

**Plaintiffs,**

**v.**

**YELLOW CORPORATION; USF REDDAWAY  
INC.; 1105481 ONTARIO INC.; YELLOW  
FREIGHT CORPORATION; EXPRESS LANE  
SERVICE, INC.; YELLOW LOGISTICS, INC.;  
NEW PENN MOTOR EXPRESS LLC; YRC  
ASSOCIATION SOLUTIONS, INC.; ROADWAY  
EXPRESS INTERNATIONAL, INC.; YRC  
ENTERPRISE SERVICES, INC.; ROADWAY  
LLC; YRC FREIGHT CANADA COMPANY;  
ROADWAY NEXT DAY CORPORATION; YRC  
INC.; USF BESTWAY INC.; YRC  
INTERNATIONAL INVESTMENTS, INC.; USF  
DUGAN INC.; YRC LOGISTICS INC.; USF  
HOLLAND INTERNATIONAL SALES  
CORPORATION; YRC LOGISTICS SERVICES,  
INC.; USF HOLLAND LLC; YRC MORTGAGES,  
LLC; USF REDSTAR LLC AND YRC  
REGIONAL TRANSPORTATION, INC.**

**Defendants.**

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<sup>1</sup> A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' proposed claims and noticing agent at <https://dm.epiq11.com/YellowCorporation>. The location of Debtors' principal place of business and the Debtors' service address in these chapter 11 cases is: 511500 Outlook Street, Suite 400, Overland Park, Kansas 66211.

**MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT**

Plaintiffs (“*Plaintiffs*”) move this Honorable Court (“*Plaintiffs’ Motion*”) for an Order, granting leave to file the Second Amended Complaint<sup>2</sup>. In support of this motion, Plaintiffs state the following:

1. No Scheduling Order has been entered and no discovery has been conducted in this matter or in *Rivera, et al. v. Yellow Corporation, et al. Adv. Pro. No. 23-50456 (CTG) (Del. Bankr. 2023)* (“*Rivera*”).

2. Plaintiffs seek to file the Second Amended Complaint to consolidate the plaintiffs, allegations, and counsel in this matter with those in *Rivera*. Further, Plaintiffs intend to amend the *Motion to Allow Class Certification of WARN Act Adversary Proceeding* (Doc. 13) (“*Motion for Class Certification*”) filed November 13, 2023, once the Second Amended Complaint is filed.

3. Federal Rule of Civil Procedure 15 provides that a party may amend its pleading by leave of court and the court should freely give leave when justice so requires. *See* Fed. R. Civ. P. 15.

4. While a Court may deny leave to amend the complaint for several reasons, including undue delay, bad faith, dilatory motive, undue prejudice to the opposing party, or because the amendment would be futile, none of the above concerns are present and the Court should grant the Plaintiffs’ Motion.

5. The proposed Second Amended Complaint would not be futile and, as noted, is made to combine the plaintiffs, allegations, and counsel here with *Rivera*.

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<sup>2</sup> The proposed Second Amended Complaint is attached hereto as Exhibit A.

6. There has been no undue delay, bad faith, or dilatory motive on the part of Plaintiffs or the plaintiffs in *Rivera*. As evidenced by the dockets in this matter and *Rivera*, the WARN Act litigation is in its initial stages, and Defendants will not be prejudiced.

7. Plaintiffs' Motion is intended to promote efficiency and judicial economy. To that end, the parties entered into a stipulation governing briefing deadlines with respect to Plaintiffs' anticipated second amended complaint and amended motion for class certification.

**WHEREFORE**, for the reasons set forth herein, Plaintiffs request the Court to enter an Order (attached hereto as Exhibit B) granting Plaintiffs leave to file the Second Amended Complaint (attached hereto as Exhibit A).

By: /s/ James E. Huggett

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